

**IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL**

Writ Petition No. 1080 (S/S) of 2007

Smt. Sarla Negi W/o Kishor Singh Negi
Samiksha Adhikari Secretariat Administration Department,
Dehradun, Uttarakhand ----- Petitioner

Versus

1. State of Uttarakhand through Secretary Education, Dehradun
2. Director School Education, Uttarakhand, Mayur Vihar,
Dehradun
3. Joint Director Education, Garhwal Mandal Pauri
4. District Education Officer, Dehradun

----- Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Vinod Nautiyal, learned counsel for the petitioner and Sri N.P. Shah, learned Standing Counsel State of Uttarakhand for the respondents.

By means of this writ petition, the petitioner has challenged the impugned order dated 19.06.2007, by which the petitioner has been adjusted from Rajkiya Government Inter Girls Inter College, Sunargaon, Dehradun to Rajkiya Inter College, Pedul, Pauri on the ground that she is working against inconsistent subject.

The petitioner has attacked the impugned order on various grounds such as; that husband of the petitioner is serving in Govt. job in Dehradun and the petitioner has been transferred far away from her present place of posting, while there is guideline issued by the State Government that husband and wife, if in service of Uttarakhand Government as far as possible, they may be posted at one place or nearby place; that the respondents in discriminatory manner adjusted the services of other two teacher but neither created any post for the petitioner nor adjusted the petitioner as

has been done for other teacher; that other teachers have been adjusted by the same order but in pursuance to the order dated 28.06.2007 passed by the Joint Director Garhwal Mandal Pauri, the respondent no. 5 has acted discriminatory and not adjusted the services of the petitioner.

I do not find any force in the submission made by the learned counsel for the petitioner as the guideline provides to place the husband and wife at one place as far as it is possible, but the department is not bound to place husband and wife at one place in each and every case. So far the other grounds are concerned, in absence of pleadings in rebuttal, no observations can be made at this stage so far the assertions made in the writ petition.

Learned counsel for the petitioner has submitted that raising all her grievances, the petitioner has already moved a representation on 20.07.2007 before District Education Officer, Dehradun.

Therefore, without entering into the merits of the case, I deem it fit and proper to direct respondent no. 5, i.e., District Education Officer, Dehradun to decide the representation of the petitioner by speaking order on all the grounds raised by the petitioner within a period of two weeks from the date of production of a certified copy of this order before him.

With this direction, the writ petition is finally disposed of. All the pending applications stand disposed of.

(M.M. Ghildiyal, J.)

16.08.2007
VKS